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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ASHLEY WILSON,

No. C 09-03630 SI

Plaintiff,

ORDER

v.

KIEWIT PACIFIC CO.,

Defendant.

Currently before the Court is the parties' motion for preliminary approval of the parties' settlement of this class action. That matter is set for hearing on November 18, 2011. The Court notes that in the preliminary approval papers plaintiff discloses that, "Plaintiff has also settled her individual claims under a separate Settlement Agreement, which does not impact the settlement of the class claim." Motion for Preliminary Approval at 2, n.2. The parties assert that plaintiff Wilson has not yet received any payment on her individual settlement, and will not until the Class Settlement become final. Motion for Preliminary Approval at 20. However, no information is given regarding the negotiation and settlement of plaintiff's individual claims which were asserted in the Amended Complaint, *e.g.*, whether the settlement of plaintiff's claims occurred before or after the class claims were settled.

As the settlement of plaintiff's claims may have influenced the terms of the settlement of the class claims, *see* Fed. Rule Civ. Proc. 23(e)(3) & Advisory Cttee. Notes, the Court ORDERS the parties to submit a copy of plaintiff's individual settlement along with a declaration explaining how and when plaintiff's individual claims were settled. The requested information shall be submitted on or before November 7, 2011. If necessary, the parties may seek to file a copy of plaintiff's settlement agreement under seal pursuant to Civil Local Rule 79-5.

IT IS SO ORDERED.

Dated: October 31, 2011



SUSAN ILLSTON
United States District Judge